

REMARKS

Claims 3-6 are currently pending in the case. Claims 3 and 5 are in independent form. Claims 3-6 are amended by way of this response. No new matter has been added by these amendments. Please charge Deposit Account No. 02-1818 for any fees due in connection with this response.

The Office Action objected to claim 3 for certain syntactical informalities. Appropriate correction has been made.

The Office Action rejected independent claims 3 and 5 under 35 U.S.C. §102(e) as being anticipated by Cannon et al. (U.S. Patent No. 6,844,951), hereinafter *Cannon*.

Independent claim 3 recites, *inter alia*, "detects a position of the oscillating mirror using a modulated brightness level obtained from the at least one light sensor." Similarly, independent claim 5 recites, *inter alia*, "detecting an oscillation status and a position of an oscillating mirror using the modulated brightness level obtained from the light sensor."

Cannon fails to teach this feature. *Cannon* makes no mention of modulating a brightness level, let alone sensing such a modulation in order to detect a position of an oscillating mirror as currently claimed.

The Office Action indicates that "Cannon et al. further inherently discloses that the brightness of the projection light bundle is modulated" (page 3, lines 14-15). The Office Action also indicates that "Cannon et al. further inherently discloses obtaining a brightness level from a light sensor" (page 4, lines 4-5). In addition, the Office Action points to laser light intensity controls, such as APC schemes, as clarified by Inoue et al. (U.S. Patent 5,043,745, Col. 1, Lines 12-26).

However, an automatic power control (APC) scheme is merely a way to compensate for unwanted variations in light intensity (e.g., caused by temperature fluctuations) to produce a stable light intensity. APC schemes do not use this unwanted modulation (or any other modulation) in order to detect a position of an oscillating mirror as currently claimed.

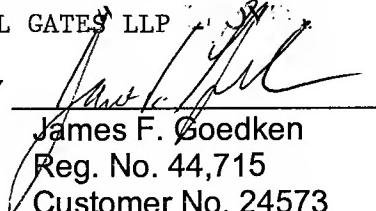
For at least these reasons, amended independent claims 3 and 5 are patently distinguished over *Cannon* and are in condition for allowance. Claims 4 and 6 depend directly from claims 3 and 5 respectively and are allowable for at least the same reasons.

Accordingly, all pending claims are in condition for allowance, and the rejection should be withdrawn. An earnest endeavor has been made to place this application in condition for formal allowance, and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: June 17, 2009